

IN THE COURT OF APPEALS OF TENNESSEE  
AT NASHVILLE  
Assigned on Briefs, September 19, 2007

**JEFFERY L. PATTERSON, JR., v. WAYNE COUNTY BOOT CAMP, et al.**

**Direct Appeal from the Chancery Court for Wayne County  
No. 11926 Hon. Stella Hargrove, Chancellor**

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**No. M2007-00358-COA-R3-CV - Filed November 15, 2007**

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The Trial Court dismissed petitioner's application for a writ of certiorari to review the decisions of respondent's Disciplinary Board. The Trial Judge ruled petitioner failed to allege the required statutory grounds for the issuance of the writ. On appeal, we affirm.

**Tenn. R. App. P.3 Appeal as of Right; Judgment of the Chancery Court Affirmed.**

HERSCHEL PICKENS FRANKS, P.J., delivered the opinion of the court, in which CHARLES D. SUSANO, JR., J., and D. MICHAEL SWINEY, J., joined.

Jeffery L. Patterson, Jr., Mountain City, Tennessee, *pro se*.

Robert E. Cooper, Jr., Attorney General and Reporter, Michael E. Moore, Solicitor General, and Joshua D. Baker, Assistant Attorney General, Nashville, Tennessee, for Appellees.

**OPINION**

Plaintiff filed a Petition for Writ of Certiorari, seeking review of decisions of the Wayne County Boot Camp disciplinary board. The Petition alleged that he was written up for possession of "security threat group material", which he claimed was religious material, and that he was also written up for gang activity, which he asserted was based on unfounded charges. He sought to have his record cleared, his lost privileges restored, and also sought monetary damages.

The respondents filed a Motion to Dismiss the Petition for lack of subject matter

jurisdiction, and for failure to state a claim. They argue that Tenn. Code Ann. §27-8-106 provides that plaintiff had to state that it was the first application for a writ, which he did not do, thereby depriving the Court of subject matter jurisdiction. Further, that plaintiff was seeking review of the propriety of the disciplinary board's decision, and that this was not a basis for the writ.

Acting on the Motion, the Trial Court entered an Order of Dismissal, finding the plaintiff had been convicted by the board of disciplinary infractions, and that his administrative appeals were denied. The Court held that pursuant to Tenn. Code Ann. §27-8-106, the Petition had failed to affirmatively state that it was plaintiff's first application for the writ, which subjected the Petition to dismissal. Further, that the plaintiff had failed to allege illegality or arbitrariness in the board's proceedings, as an addition basis to dismiss the action.

On appeal, the petitioner insists that the Trial Court has subject matter jurisdiction.

Tenn. Code Ann. §27-8-106 states, “[t]he petition for certiorari may be sworn to before the clerk of the circuit court, the judge, any judge of the court of general sessions, or a notary public, and shall state that it is the first application for the writ.” (Emphasis added.) Plaintiff's petition was deficient in this regard, and as this Court has previously noted, a decision by the Trial Court to deny a petition for writ of certiorari will not be reversed on appeal unless there is an abuse of discretion shown. *Hall v. McLesky*, 83 S.W.3d 752 (Tenn. Ct. App. 2001). *Accord: Bowling v. Tenn. Board of Paroles*, 2002 WL 772695 (Tenn. Ct. App. April 30, 2002); *Jackson v. Tenn. Dept. of Corrections*, 2006 WL 1491445 (Tenn. Ct. App. May 31, 2006); *Hughes v. NCEX Disc. Bd. Members*, 2006 WL 656789 (Tenn. Ct. App. Mar. 16, 2006); *Stone v. Tenn. Dept. of Corrections*, 2005 WL 229863 (Tenn. Ct. App. Jan. 28, 2005); *Underwood v. Tenn. Dept. of Corrections*, 2005 WL 123501 (Tenn. Ct. App. Aug. 22, 2005).

The foregoing cases made clear that a *pro se* litigant, while being entitled to “fair” treatment by the court, is not excused from “complying with the same applicable substantive and procedural law that represented parties must comply with”, and that the court should not prejudice the rights of other parties in order to be “fair” to parties representing themselves. *See Hughes, supra*, at f.n. 6; *see also Wilson v. Tenn. Dept. of Corrections*, 2006 WL 325933 (Tenn. Ct. App. Feb. 13, 2006).

The Trial Court also dismissed plaintiff's Petition because he did not allege that the board acted illegally or arbitrarily in rendering its decision. The “[r]eview under a writ of certiorari is limited to whether the inferior board or tribunal exceeded its jurisdiction or acted illegally, arbitrarily, or fraudulently.” *McCallen v. City of Memphis*, 786 S.W.2d 633, 640 (Tenn. 1990). Moreover, “the writ has never been employed to inquire into the correctness of the judgment rendered where the court had jurisdiction, and was therefore competent. Absent a showing of some illegality or arbitrariness in the proceedings, a dispute over the outcome of a prison disciplinary hearing does not state a claim for writ of certiorari.” *Meeks v. Traugher*, 2005 WL 280746 (Tenn. Ct. App. Feb. 4, 2005).

For the foregoing reasons, we affirm the Judgment of the Trial Court and remand, with the cost of the appeal assessed to Jeffery L. Patterson, Jr.

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HERSCHEL PICKENS FRANKS, P.J.